

SECTION I – LEAD BASED PAINT

Grantees whose project involves pre-1978 buildings or housing and any of the activities listed below are required to comply with the Lead Based Paint Regulations in 24 CFR Part 35, et al., LBP Final Rule, published September 15, 1999. (Detailed Instructions and Information Required to perform activities under these programs can be obtained from the CDBG Office.) This regulation applies to all contracts executed after January 10, 2002.



- Renter or Owner-occupied Residential Rehabilitation
- Tenant Based Rental Assistance
- Down Payment Assistance (First Time Home Buyer)
- Special Needs Housing Programs including Acquisition
- Homeless Shelter Operations

1. BACKGROUND

- ❖ **What is Lead Poisoning?** Lead is a heavy metal used in many materials and products. When absorbed into the body, it is highly toxic to many organs and systems and seriously hinders the body's neurological development. Lead is a natural element and does not break down in the environment. Once lead has been dispersed and redeposit into the environment, it will remain to poison generations of children unless it is controlled or removed. Even very limited exposures to lead are hazardous to children.
- ❖ **The Problem of Childhood Lead Poisoning** Over the past 20 years, childhood lead poisoning has declined dramatically in the United States due to limits on lead in gasoline, paint, food cans, and other consumer products. However, lead poisoning is still an important health problem, affecting an estimated 890,000 preschoolers. That means that about 4.4% of children aged 1 to 5 have too much lead in their bodies. (source: NHANES III, Phase 2, 1991-1994, Centers for Disease Control and Prevention) While lead poisoning crosses all socioeconomic, geographic, and racial boundaries, the burden of this disease falls disproportionately on low-income families and families of color. In the U.S., children from poor families are eight times more likely to be poisoned than those from higher income families. African-American children are five times more likely to be poisoned than white children. About 22% of African-American children living in pre-1946 housing are lead poisoned, compared with 5.6% of White children and 13% of Hispanic children living in older homes – a staggering statistic. In some communities, the poisoning rate is much higher. CDC reports that the geometric mean (population-wide average) blood lead level in children aged 1-5 dropped from 2.7 µg/dL (for the years 1991-94) to 2.0 µg/dL for 1999. This substantial decline reflects continuing progress in reducing the lead burden of the American population at large.
- ❖ **Health Effects** Lead affects practically all systems within the body. Lead is most harmful to children under age six because lead is easily absorbed into their growing bodies, and interferes with the developing brain and other organs and systems. Pregnant women and women of child-bearing age are also at increased risk, because lead ingested by the mother can cross the placenta and affect the unborn fetus. At very high levels of lead exposure, which are now very rare in the U.S., lead poisoning can cause mental retardation, coma, convulsions, and even death. More commonly in the U.S., children are poisoned through chronic, low-level exposure. Low-level lead exposure can cause reduced IQ and attention span, hyperactivity, impaired growth, reading and learning disabilities, hearing loss, insomnia, and a range of other health,

intellectual, and behavioral effects. At these low, but still dangerous levels, lead poisoning may not present identifiable symptoms and a blood test is the only way to know if a child is poisoned. Except for severely poisoned children, there is no medical treatment for this disease. Available treatments may only reduce the level of lead present in the body, without completely eliminating it. The only way to prevent lead poisoning is to remove the source of exposure.

- ❖ **Sources of Lead Poisoning** As a result of the extensive use of lead over several centuries in the U.S., lead can be found in paint, dust, soil, water, air, and food.

Lead-Based Paint. More children are poisoned by exposure to lead dust from lead-based paint in older homes than by any other source, usually through normal hand-to-mouth activity after getting lead dust on their hands and toys. Children that may eat lead-based paint chips can be seriously poisoned, but this is relatively rare.

Soil in the vicinity of the home can be contaminated from flaking exterior lead-based paint or previous deposits of leaded gasoline. Exterior sandblasting can produce exceptionally high levels of lead in soil. Children then play in that dirt and directly ingest it, or it is tracked into the house on shoes. Some soil has been contaminated by lead from prior gasoline use.

Drinking water can also contain lead from pipes or solder and contribute to childhood lead poisoning especially when contaminated tap water is used to make baby formula. **Parents who work in lead-related industries** can also bring lead home on their clothes, exposing children to the hazard.

Point sources include workplace exposures to lead, which are often extreme with workers receiving doses well above those experienced by the general population. The most heavily lead-exposed adults are almost exclusively found to be those who work with lead, particularly in the absence of adequate ventilation and other controls. Moreover, exposed workers may carry lead particles home on their clothing, shoes, or hair, putting family members at risk. Those who work in construction, demolition, painting, with batteries, radiator repair shops, lead factories, or a hobby that involves lead are often exposed to lead.

Other less common sources include food and drink stored in leaded crystal, lead soldered cans, or lead glazed ceramic ware; hobbies that involve lead; and home remedies and cosmetics that are popular in some cultures.

2. LEAD BASED PAINT REGULATION OVERVIEW

Title X of the Housing and Community Development Act of 1992 contains the Residential Lead-Based Paint Hazard Reduction Act. Sections 1012 and 1013 of that Act implement the new HUD Lead-Based Paint requirements. The purpose of the regulation is to protect young children from lead-based paint hazards in housing that is either receiving assistance from the Federal government or is being sold by the government. The regulation establishes procedures for evaluating whether a hazard may be present, controlling or eliminating the hazard, and notifying occupants of what was found and what was done in such housing. This new regulation consolidates all of HUD's existing regulations in one part of the Code of Federal Regulations (CFR) at 24 CFR Part 35.

In addition, Section 1018 of the regulation required the U.S. Environmental Protection agency (EPA) and the U.S. Department of Housing and Urban Development (HUD) to develop regulations for the disclosure of lead-based paint hazards in homes built before 1978 that are offered for sale or lease. (24CFR Part 35 and 40 CFR Part 745) This disclosure rule applies to all sales and leases, not just HUD funded projects.

3. STATE PROGRAMS AFFECTED BY THE REGULATIONS

HUD-CPD Programs affected by the new regulation:

Community Development Block Grant program (CDBG)
HOME Investment Partnership Program (HOME)
Emergency Shelter Grants (ESG)
Housing Opportunities for Persons With AIDS (HOPWA)
Shelter Plus Care (S+C)
Supportive Housing Program (SHP – not presently operated in Utah)
Youthbuild (not presently operated in Utah)

4. EXEMPT ACTIVITIES

What kinds of properties are exempt from the regulation?

- Housing built after January 1, 1978,
- Housing used exclusively for the elderly or people with disabilities, unless a child under age 6 is expected to reside there,
- Zero Bedroom dwellings, including efficiency apartments, single-room occupancy housing, dormitories, or military barracks,
- Property that has been found to be free of lead-based paint by a certified lead-based paint inspector,
- Property where all lead based paint has been removed,
- Unoccupied housing that will remain vacant until it is demolished,
- Non-residential property – (property not used for human residential habitation),
- Any rehabilitation or housing improvement that does not disturb a painted surface,
- Emergency repair actions to safeguard against imminent danger to human life, health or safety, or to protect property from further structural damage.
- Emergency housing assistance (as for the homeless) unless the assistance lasts more than 100 days, in which case the rule does apply.

5. WHERE DO I START?

Grantees should begin by contacting Cheryl Elliott at the CDBG office toll free at (877) 488-3233 Ext 729. Guidance will be given based on the project scope.

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